

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BRADLEY SMITH,)	
)	
Plaintiff)	
)	
vs.)	No. CIV-05-119-C
)	
JOANNE PATTERSON, Municipal)	
Police Person; SUZANNE MOLLISON,)	
Judge, Jackson County; MORRIS)	
ROBERTS, Jackson County Sheriff;)	
LOUIS CAMPBELL, Medical Officer,)	
Jackson County; and RICHARD DARBY,)	
Judge, Kiowa County,)	
)	
Defendants)	

MEMORANDUM OPINION AND ORDER

This action is brought by a state prisoner, appearing pro se, and alleges a right to relief under several different theories. The case was assigned to United States Magistrate Judge Valerie K. Couch consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), and Judge Couch entered her Report and Recommendation on April 19, 2005. Plaintiff has timely objected and the Court therefore considers the matter de novo.

The relevant facts and applicable law are fully and fairly set out in Judge Couch's Report and Recommendation and need not be repeated here. Plaintiff's objection to the conclusions recommended by the Magistrate Judge are that the judicial defendants acted in excess of their jurisdiction and therefore are not entitled to immunity; and that Kiowa County provides no administrative grievance process so exhaustion is unnecessary. With regard to the first objection, under the facts alleged by Plaintiff, the judicial defendants are clearly

entitled to absolute immunity and his objection is without merit. With regard to the second objection, Plaintiff's Complaint belies his claim. Plaintiff indicates in his Complaint that he has previously sought informal or formal relief from the appropriate administrative officials "by asking and/or submitting requests which were unanswered or denied." Despite this verified allegation, he now claims there is no administrative process. In construing 42 U.S.C. § 1997e(a), our Circuit has required the attachment of copies of administrative proceedings or a description of their disposition with specificity. Steele v. Federal Bureau of Prisons, 355 F.3d 1204, 1211 (10th Cir. 2003). Clearly, Plaintiff has failed to attach the submitted requests and/or denials referred to in his Complaint, and the unsupported allegation in his objection that there is no administrative grievance is controverted by the allegations of the Complaint.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted, in its entirety, and for the reasons stated therein, this action is dismissed. As to Defendants Mollison and Darby, there is no amendment which would cure the defects noted herein, and the dismissal acts as an adjudication on the merits. A judgment will enter accordingly.

IT IS SO ORDERED this 29th day of April, 2005.


ROBIN J. CAUTHRON
United States District Judge